

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 15762 of 2004

Between:

M/s. Balla Venkanna & Co., Wholesale Kerosene Dealers, Gollaprolu, East
Godavari District. rep by its Managing Partner N. Govinda Rao

..... PETITIONER

AND

1 The Director of Civil Supplies, A.P. Civil Supplies Bhavan, Erramanzil,

Hyderabad.

2 The Joint Collector, East Godavari at Kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 1st respondent in DCS.PROGS.No.E2/6726/2004, dated 27-08-2004 in not granting stay of the operation of the proceedings NO. Ref.V10/CS/572/2000, dt. 18-6-2004 of the 2nd respondent pending disposal of the appeal before the said authority as illegal and arbitrary and unjust.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.15762 OF 2004

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ORAL ORDER :

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Heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner is a wholesale Kerosene Dealer holding a licence in Form-B granted under A.P. Petroleum Products (Licensing & Regulation of Supplies) Order, 1980 (for short, 'the Order'). The said licence was suspended under clause 28(2) of the Order by the 2nd respondent by order dated 18-06-2004 for a period of six months. Aggrieved by the said order, the petitioner preferred an Appeal before the first respondent. The first respondent having entertained the Appeal, by order dated 27-08-2004 refused to grant stay pending Appeal. The said order is under challenge in

this writ petition.

As can be seen, the suspension is by way of substantive punishment for a period of six months. The petitioner availed the statutory remedy of Appeal and the same is pending. In the circumstances, if the stay is rejected pending Appeal, the order of suspension works itself out and probably nothing remains for adjudication in the Appeal. Keeping in view the nature of the order under challenge, it would be appropriate not to implement the order of suspension till the disposal of the Statutory Appeal. The first respondent is not justified in rejecting the application for stay mechanically without assigning any reasons.

Accordingly, the order impugned is set aside and the Writ Petition is disposed of with a direction to the 1st respondent to dispose of the Appeal as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

Till the disposal of the Appeal, the order of the 2nd respondent – Joint Collector dated 18-06-2004 shall not be given effect to.

07-10-2004

vgb

To

1 The Director of Civil Supplies, A.P. Civil Supplies Bhavan, Erramanzil,
Hyderabad.

2 The Joint Collector, East Godavari at Kakinada.

3 2CCs to the Government Pleader for Civil Supplies, High Court
Buildings, Hyderabad (OUT)

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